IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No.4968 of 2006
Date of Decision: 2.11.2006

Pepsu Road Transport Corporation, Patiala and another..

..... Appellants

Versus

Smt.Karamjit Kaur and others.

..... Respondents

CORAM: Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri Balwinder Singh, Advocate for the appellants.

....

Mahesh Grover,J.

The present appeal has been preferred by Pepsu Road Transport Corporation, Patiala (for short, `the Corporation'), the owner of the offending bus bearing No. PB-11F-9733 and the Corporation's Patiala depot to which the bus belonged against award dated 28.7.2006 of Motor Accident Claims Tribunal, Ropar (for short, `the Tribunal') passed in M.A.C.T. Case No.5 of 21.1.2004.

The appellants have assailed the award in question by disputing the negligence of the driver of the offending bus, as also the quantum of compensation assessed by the Tribunal.

Learned counsel for the appellants has contended that even though the accident was admitted, but the driver of the bus in question was not negligent. He further contended that the amount of compensation awarded is also excessive.

We have heard the learned counsel for the appellants and have thoughtfully considered his submissions.

A perusal of the impugned award reveals that no credible evidence was led by the appellants to establish the fact that the driver of the offending bus was not negligent. Admittedly, he is facing criminal prosecution which is prima facie indicative of his negligence in causing the accident. It is pertinent to note that the factum of the accident has been admitted.

As far as the quantum of compensation is concerned, we are of the opinion that the Tribunal has not committed any error. The deceased was the owner of three acres of land which is established from Jamabandi Exhibit P2 on record and he was survived by his widow and two children. After assessing his income as Rs.4500/- per month and after deducting 1/3rd towards the deceased' s personal expenses and applying a multiplier of `11', the Tribunal assessed the compensation as Rs.3,96,000/-. Besides, Rs.2000/- were awarded on account of funeral expenses and another Rs.2000/- for loss of estate/ consortium. We do not find this award excessive in the given circumstances.

For the reasons recorded above, there is no infirmity in the award of the Tribunal and the appeal being devoid of any merit, is dismissed.

(Uma Nath Singh)
Judge

(Mahesh Grover)
Judge

November 02,2006
"SCM"